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Crime prevention and criminal justice

Measures to eliminate international terrorism

Letter dated 18 September 2006 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the pleasure to transmit herewith the text of the Madrid Declaration and Plan of Action on strengthening the legal regime against terrorism in West and Central Africa. These two documents were adopted at the conclusion of the Ministerial Round Table held in Madrid on 25 and 26 May 2006 with the participation of 26 countries of the region (see annex).

The Plan of Action sets out a programme of work to be implemented over the next two years with a view to strengthening, through bilateral technical assistance programmes and in cooperation with the United Nations Office on Drugs and Crime and other international donors, national and regional legal and institutional frameworks for the appropriate and effective implementation of counter-terrorism measures.

I should be grateful if you would have these texts circulated as a document of the General Assembly under item 98 ("Crime prevention and criminal justice") and item 100 ("Measures to eliminate international terrorism") of the agenda for the sixty-first session, and of the Security Council.

(*Signed*) Juan Antonio **Yáñez-Barnuevo**

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Annex to the letter dated 18 September 2006 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

[Original: English and French]

Madrid Declaration and Plan of Action on strengthening the legal regime against terrorism in West and Central Africa

Adopted by the Madrid Ministerial Round Table of West and Central African Countries on a Counter-Terrorism Legal Framework

Madrid, 25-26 May 2006

Declaration

On 26 May 2006,

We, the Ministers of Foreign Affairs and Heads of delegations of the following countries: Angola, Benin, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, Togo, meeting in Madrid from 25 to 26 May 2006 within the framework of the United Nations;

In the presence of the following entities and specialized agencies of the United Nations: the Counter-Terrorism Committee Executive Directorate (CTED), the United Nations Office on Drugs and Crime (UNODC), the Office of the United Nations High Commissioner for Human Rights (OHCHR); and of the following international and regional organizations: the African Union (AU) and its African Centre for the Study and Research on Terrorism (ACSRT), the Central African Economic and Monetary Community (CEMAC), the Commonwealth Secretariat, the Economic Community of Central African States (ECCAS), the European Union, the International Monetary Fund, Interpol, the World Bank;

1. Strongly condemn all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;[1]

2. Stress the importance of assisting victims of terrorism and of providing them and their families with support to cope with their loss and their grief;

3. Recognize that international cooperation to fight terrorism must be conducted in conformity with international law, including the Charter and relevant international conventions and protocols; commit ourselves that any measures taken to combat terrorism comply with our obligations under international law, in particular international human rights law, refugee law and international humanitarian law;

[1] General Assembly resolution 60/43 of 8 December 2005.

4. Welcome the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism adopted on 13 April 2005 during the 91st plenary meeting of the General Assembly by resolution 59/290 and the adoption of three amendments to three of the universal instruments against terrorism — Amendment to the Convention on the Physical Protection of Nuclear Material (2005); Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005); and Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005);

5. Stress the need to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism at the earliest possible;

6. Welcome the Secretary-General's report, "Uniting against terrorism: recommendations for a global counter-terrorism strategy", issued on 27 April 2006 (A/60/825), which contains recommendations for a global counter-terrorism strategy; and hope for the early adoption by the United Nations General Assembly of this strategy;

7. Commend the international, regional and subregional organizations represented in the Madrid Round Table for their active role and commitment;

8. Call upon, to that end, these organizations to promote a continuous dialogue and joint activities, reinforcing complementarities among them by further improving coordination and cooperation; and the West and Central African States to establish appropriate mechanisms for collaboration and coordination at the national and subregional levels with support from these organizations and institutions;

9. Welcome the adoption of the "Programme of Action 2006-2010 to strengthen the rule of law and criminal justice systems in Africa"[2] adopted by the delegations of 47 African countries at the end of the Round Table, "Crime and drugs as impediments to security and development in Africa: strengthening the rule of law", which took place from 5 to 6 September 2005 in Abuja, Nigeria, as well as the "African Union Plan of Action on the prevention and the fight against terrorism" and the central role of the African Centre for the Study and Research on Terrorism in this field;

10. Request the United Nations Office on Drugs and Crime, in cooperation with other international, regional and subregional organizations and contributing bodies and in coordination with the competent intergovernmental organisms, to continue its efforts to enhance, through its mandate reiterated by the General Assembly in its resolution 60/43 of 6 January 2006, the capabilities of the West and Central African States in the prevention of terrorism, and to assist them in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, and to strengthen international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

11. Commend the various initiatives to promote dialogue, tolerance and understanding among civilizations;

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[2] Welcomed by the General Assembly in paragraph 16 of its resolution 60/175 of 16 December 2005.

12. Express our sincere gratitude to the Kingdom of Spain, for having hosted and supported the Madrid Round Table of West and Central African Countries on a Counter-Terrorism Legal Framework, held at Madrid on 25 and 26 May 2006, and to the United Nations Office on Drugs and Crime which jointly organized it;

13. Adopt the Madrid Declaration on strengthening the legal regime against terrorism in West and Central Africa as well as the Plan of Action set out below for its implementation and proclaim our firm determination to pursue all appropriate measures for its expeditious implementation.

Plan of Action

We, the Ministers of Foreign Affairs and Heads of delegations of the West and Central African States present, commit ourselves to take the necessary steps, in accordance with the legal systems of our States, to:

1. Become party to all universal instruments against terrorism;

2. Sign the International Convention for the Suppression of Acts of Nuclear Terrorism before the established deadline on 31 December 2006, and ratify it as soon as possible for its early entry into force;

3. Become party to the amendments to three of the universal instruments against terrorism: Amendment to the Convention on the Physical Protection of Nuclear Material (2005); Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005); and Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005);

4. Incorporate into the national legislation the relevant provisions of the universal legal instruments against terrorism in order to effectively prevent and suppress terrorism;

5. Provide training to national criminal justice officials in the application of the national counter-terrorism legislation implementing the universal instruments against terrorism and in international cooperation in criminal matters related to the universal instruments against terrorism, with the support of UNODC as well as the relevant regional and subregional organizations;

6. Complete the pending supplementary reports to the Counter-Terrorism Committee and the Security Council Committee established pursuant to resolution 1267 (1999) of the United Nations Security Council, within the time frame requested by these committees;

7. Enhance cooperation to prevent and combat terrorism more effectively, particularly through bilateral and multilateral arrangements and agreements, in accordance with the relevant provisions of United Nations Security Council resolution 1373 (2001);

8. Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings, in accordance with United Nations Security Council resolution 1373 (2001);

9. Cooperate fully in the fight against terrorism, in accordance with our obligations under international law, including all the relevant Security Council and General Assembly resolutions, in order to find, deny safe haven and bring to justice, on the basis of the principle of "extradite or prosecute", any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of terrorist acts or provides safe havens;

10. Ensure required inter-ministerial coordination for the ratification of accession to the universal instruments against terrorism, the deposit of their instruments of ratification or accession, the legislative incorporation of their provisions as well as for the drafting of the reports to the Counter-Terrorism Committee and the Security Council Committee established pursuant to resolution 1267 (1999) of the United Nations Security Council;

11. Identify jointly with the Counter-Terrorism Committee, through its Executive Directorate, technical assistance needs for implementing Security Council resolution 1373 (2001);

12. Request UNODC to provide technical assistance, whenever necessary in coordination with OHCHR, in the following areas:

- Ratification of the universal legal instruments against terrorism and the implementation of their provisions as well as United Nations Security Council resolution 1373 (2001)
- Training of criminal justice officials in the application of the national counter-terrorism legislation which incorporates the universal instruments against terrorism
- Training of criminal justice officials in international cooperation in criminal matters related to the universal instruments against terrorism
- Specialization of judges and prosecutors on international cooperation in combating terrorism
- Drafting of national reports to the Counter-Terrorism Committee of the United Nations Security Council and the Committee established pursuant to resolution 1267 of the Security Council
- Other assistance to enhance the capabilities of the West and Central African States in the prevention of terrorism, including related national capacity-building of national criminal justice systems, in accordance with its mandate reiterated by the General Assembly in its resolution 60/43 of 6 January 2006

13. Seek the widest possible technical support from specialized international, regional and subregional organizations in this area, in particular the International Monetary Fund, Interpol, the World Bank, the European Union, the African Union including its centre ACSRT for the implementation of its Plan of Action on the prevention of and fight against terrorism;

14. Seek from entities and agencies of the United Nations, the international community as well as subregional, regional and international organizations, technical assistance in the areas covered by resolution 1373 (2001) of the Security Council, such as for the supply of appropriate equipment and infrastructure with the support provided by the Counter-Terrorism Committee Executive Directorate;

15. Conduct annual evaluations of progress achieved with respect to the implementation of this Plan of Action by providing relevant information to UNODC.

We, the Ministers of Foreign Affairs and Heads of delegations of the West and Central African States present, invite the President of the Round Table to bring this Declaration to the attention of the Security Council and the General Assembly of the United Nations at its sixtieth ordinary session as well as to the appropriate bodies of the African Union.